



# **MIAMI-DADE COUNTY FINAL OFFICIAL MINUTES Annexation & Incorporation Task Force**

Miami-Dade South Dade Regional Library  
10750 S.W. 211 Street  
Miami, Florida 33189

April 24, 2013  
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**CLERK'S SUMMARY OF MEETING AND OFFICIAL MINUTES  
MIAMI-DADE ANNEXATION AND INCORPORATION TASK FORCE  
APRIL 24, 2013**

The Miami-Dade County Annexation and Incorporation Task Force (the Task Force) convened on April 24, 2013, at the Miami-Dade South Dade Regional Library, 10750 S.W. 211 Street, Miami, Florida, at 6:00 p.m. Present were: Vice Chairman Kenneth Forbes, Mr. Steven Alexander, Ms. Anne Cates, Mr. Carlos Diaz-Padron, Mr. Lenny P. Feldman, Mr. Richard Friedman, Ms. Deborah Skill Lamb, Mr. Carlos Manrique, City of Sweetwater Mayor Manuel L. Marono, and Miami-Dade Commissioner Juan Zapata (Chairman Michael Pizzi was late and Ms. Rosa M. De La Camara was absent).

In addition to the members of the Task Force, the following staff members were also present: Assistant County Attorney Cynthia Johnson-Stacks, Budget Director Jennifer Moon, Office of Management and Budget (OMB), Mr. Jorge Fernandez, OMB Coordinator, and Deputy Clerk Flora Real.

**CALL TO ORDER**

Vice Chairman Forbes called the meeting to order at 6:11 p.m. and announced that the chair would be late.

**PUBLIC HEARING**

Vice Chairman Kenneth Forbes established the rules for the public hearing, noting each member of the public wishing to speak would have two minutes to speak; and at the discretion of this Task Force, speakers would be provided with additional time if necessary. Following his request that everyone be respectful of each other, he opened the public hearing.

Mr. Lawrence Percival, 11945 SW 127 Court, Miami, Florida, President and Founder of Greater Kendall Community Activist Inc., and past member of the 2012 Charter Review Task Force, appeared before the Task Force in support of incorporation and annexation. He referred to a newspaper article published today (04/24) regarding the Annexation and Incorporation Task Force and quoting three comments made by members of this Task Force. He suggested that this Task Force recommend to the Board of County Commissioners (BCC) that, in order for Miami-Dade to incorporate successfully, the County should discontinue providing services to the Unincorporated Municipal Service Areas (UMSA), should operate as a regional government, and should allow municipal governments to make the decisions affecting local residents. He noted many areas within the West Kendall community were interested in incorporating.

Mr. Percival advised that it would be very difficult at this time to change existing boundaries due to Chairwoman Sosa's recently enacted legislation providing that no commissioner could present incorporation boundaries outside of his/hers county commission district without the permission of the impacted commissioner. He expressed the hope that this Task Force would review and resolve that problem and

that those small pocket areas without the necessary resources to incorporate would be given the opportunity to annex to existing incorporated areas.

Mr. Percival noted Commissioner Juan Zapata, while in office as a State of Florida Representative, was unable to access state funding for UMSA due to current legislation, which allowed only municipalities to access federal and state funds. He suggested that this Task Force consider issues relating to population and eligibility requirements for incorporations and annexations because municipalities were required to have a population of over 50,000 residents to access certain types of federal and state funds and smaller municipalities were not eligible for the same benefits as larger municipal areas.

Mr. J. L. Demps, Jr., 11025 SW 223 Street, Goulds, Florida, community leader and past Chairman of the Goulds Incorporation Steering Committee, appeared before the Task Force in support of incorporations. He asked that this Task Force recommend that all of UMSA be incorporated, and that residents living in these areas be given the option to incorporate before annexation was considered. He also recommended that a process be established to allow for the resolution of boundary related issues that might exist and that small pocket areas wishing to incorporate should be allowed to incorporate.

Mr. Demps explained that the County provided funding to allow the Florida Conflict Resolution Consortium to negotiate and resolve the boundaries related conflicts among the areas of Goulds, Redland, and Cutler Ridge for the Cutler Bay incorporation; and he referred to a document, which was an agreement developed to resolve this conflict. He noted this agreement included a Community Redevelopment Agency (CRA) and was made part of the Cutler Bay Charter. He asked that the County Commission adhere to the terms of the referenced document. He noted this was a legal document, which should be adhered to, regardless of what was said by the seating county commissioner for his area; and he also noted unincorporated areas should have the right to incorporate only if they wished to do so.

Pursuant to Ms. Lamb's inquiry relating to the City of Cutler Bay's agreement in connection with incorporation and the commercial taxing area, Mr. Demps clarified that the communities negotiated their boundaries and reached an agreement on the boundaries. He said that certain tradeoffs were made to allow Cutler Ridge to incorporate as Cutler Bay.

Mr. Steven Alexander provided the historical background of this agreement. He clarified that, at the time Cutler Bay negotiated its boundaries, a CRA was established bridging Goulds and Cutler Bay; and he believed Mr. Demps was asking that the County respect the established boundaries and the terms of the agreement.

Mr. Demps confirmed Mr. Alexander's interpretation of his request.

Vice Chairman Kenneth Forbes announced that Chairman Pizzi had joined the meeting, and he would assume the Chair.

Mr. Phillip Murray, 13248 SW 256 Terrace, Miami, Florida, appeared before the Task Force, and explained that he participated in the Goulds Municipal Advisory Committee (MAC) several years ago. He noted that MAC had been an incompetent, failed attempt in the efforts to incorporate due to the constant disagreements and arguments of its members. He requested that the members of this Task Force have more productive meetings in order to prevent having the same outcome as some of the members of the Goulds MAC were also participating in this Task Force.

Mr. Alan Rigerman, 17910 N.W. 84 Avenue, Palm Springs North, appeared before the Task Force, and referred to a newspaper article relating to North Point and PSN Civic. He stated that the name of North Point was proposed by a member of PSN Civic to avoid the mail being sent to the City of Hialeah, but none of the proposers of North Point cared to incorporate. He observed that many areas had incorporated due to the success of Key Biscayne. He also stated Mr. Merrett Steirheim had established the mitigation requirement, but this requirement was now abolished.

Mr. Ken Holden, 23490 SW 152 Avenue, Redland, Florida, appeared before the Task Force, and said that annexation should not be forced upon the residents of an area unless the affected individuals were given the option to vote first. He noted petitions should be sent to the registered voters of the proposed area for annexation, and the same level of approval required for incorporations should be applied to the annexation process. He stated that the boundaries should not be forced upon the affected residents if they still wished to annex, and they should have to go through an annexation process. He also noted the residents of an area proposed for annexation should have the right to opt for incorporation if they did not wish to annex.

Mr. Holden said he was unaware that Redland's MAC had been dissolved, and he inquired what would be the process to reactivate the MAC.

Chairman Pizzi asked Mr. Holden if he had participated in the Redland Revolt, noting he had been the attorney representing the movement.

Mr. Holden thanked Chairman Pizzi for his participation and efforts in the Redland Revolt, and said that he would also appreciate his guidance in regards to annexations and incorporations.

In response to Chairman Pizzi's question regarding whether he preferred incorporation or annexation, Mr. Holden said that his preference was for affected residents to be allowed to vote, and he would accept whatever the outcome of the vote.

Pursuant to Chairman Pizzi's inquiries, Mr. Holden advised incorporating an area comprising about 300 residents would not generate sufficient funds to support the required services; and he preferred the residents be allowed to vote on whether to annex or incorporate.

In response to Chairman Pizzi's inquiry, Mr. Holden indicated that the closest municipality to Redland was the City of Homestead.

Pursuant to Ms. Lamb's question relating to the requirement that the area must have over 250 residents to allow the residents to vote on the question of incorporation, Mr. Holden said that he disagreed with the decision to impose annexation on the affected residents; and the residents should have the right to vote.

In response to Ms. Lamb's inquiry relating to whether business owners within areas proposed for incorporation or annexation should be allowed to vote, Mr. Holden stated that business owners and renters were both impacted by the proposal. Therefore, they should both be allowed to vote and weigh in on the decision.

Ms. Lamb noted she was considering suggesting anyone with an occupational license within the affected areas be given the right to vote because an increase in property taxes would be passed on by the property owners to the individuals operating the business, and it was important to keep as many businesses viable as possible.

Mr. Holden noted he agreed that anyone in the area who would be impacted, including individuals with a business license, should be allowed to vote.

Ms. Pamela Gray, 19100 S.W. 304 Street, Redland, Florida, appeared before the Task Force to provide information on the incorporations of Redland and Redland Edge. She advised that the incorporation effort of Redland Edge pertained to an area east of the Redland incorporation; and in order for the City of Homestead to annex the area of Redland, it had to go through the area of Redland Edge. She explained that the residents of Redland Edge had filed an incorporation petition with the Office of Commissioner Sorenson several years ago, and the incorporation effort was halted due to an incorporation moratorium. She said that the residents of Redland Edge had decided to end the incorporation effort; but because the City of Homestead had reinitiated its effort to annex the area of Redland Edge, the residents of the area had resumed their efforts to incorporate. She stated that the residents of Redland and Redland Edge were extremely upset regarding the City of Homestead's annexation effort and were in the process of studying the County's maps to join forces for a full incorporation effort.

In response to Chairman Pizzi's question as to the size of the population in Redland Edge, Ms. Gray pointed out that according to the Miami-Dade County map before this Task Force today the original proposed boundaries extended to 248 Street; but Redland Edge had a population of about 14,000 residents after the boundaries were expanded to 184 Street in 2004. She noted she could not recall the population for the area of Redland, but it had approximately the same population as Redland Edge.

In connection with Ms. Lamb's comments relating to business owners, Ms. Gray stated that she had been the Chairwoman of Miami-Dade Planning Advisory Board (PAB); and several years ago, the PAB reviewed the incorporation applications for the areas of Sweetwater, Doral, and Miami Springs. She indicated the PAB was unable to approve those applications due to Miami-Dade County Code's (the Code) provision requiring the area to have over 250 registered voters to allow the voters to vote on whether the area should be incorporated. She noted the area of Sweetwater was able to incorporate because that requirement was met, and the voters were allowed to vote. She noted the

PAB had recommended to the Board of County Commissioners at that time that the Code provision requiring that the area have more than 250 registered voters to allow an election to happen should be eliminated, and she suggested that this Task Force make the same recommendation to the County Commission.

Chairman Pizzi explained the rationale relating to business owners not being allowed to vote on incorporations, noting consistent arguments and policy reasons existed for not providing business owners with the same rights as property owners. He noted elections were only limited to registered voters because this country only allowed United States citizens to vote, and businesses were not allowed to vote in an election. He further said that elections were always limited to registered voters even though elected officials had the power to double taxes and increase millage rates.

Ms. Gray clarified that the residents were upset because three cities surrounding these commercial properties determined boundaries without consulting the affected business owners and some of them wanted their business to be part of another area. She stated that the residents of those areas wished to prevent that from happening again and wanted to avoid pocket areas being taken without the residents' involvement in the process. She expressed her objection to the creation of enclaves within unincorporated areas when incorporation boundaries were established since those areas would be problematic.

Vice Chairman Forbes stated that corporations were not persons, and a business was established in a community specifically to make a profit. He pointed out that, if a business owner disagreed with the community's decision, the business could choose to leave that community. He stressed that Redland Edge's MAC was discussed with Former Miami-Dade County Commissioner Katy Sorenson, but the County Commission never voted on creating a MAC for that area.

Ms. Gray noted Vice Chairman Forbes had been part of the mediation process.

Vice Chairman Forbes said this Task Force should ensure that the only issues under consideration were those which were established after going through a process. He clarified that the only established MACs for the South Dade area were for Redland, the PLANT (Princeton, Leisure City, and Naranja), Goulds, the Falls, and Cutler Ridge, which was later incorporated as the City of Cutler Bay.

Vice Chairman Forbes asked that he be provided with a copy of all documents Former Miami-Dade County Commissioner Sorenson presented to the Board of County Commissioners to establish a MAC for Redland Edge, including any documentation relating to establishing that MAC, because there had never been a petition process to establish it nor had any county commissioner ever established it.

Mr. Diaz-Padron noted Ms. Gray's concern was largely about the rights of commercial owners versus those of residential owners.

In response to Mr. Diaz-Padron's inquiry relating to whether business owners should be given the right to vote in an incorporation or annexation process, Ms. Gray clarified that

she was concerned with the exclusion of business owners from the process; and the three cities involved in the process carved out the boundaries without including the business owners. She suggested that everyone affected by the proposal be allowed to participate in the process.

Pursuant to Mr. Diaz-Padron's inquiry regarding how that could be accomplished procedurally since businesses were not allowed to vote in elections, Ms. Gray clarified that her preference would be for business owners to be provided with the opportunity to discuss an annexation with the municipalities before the municipal governments moved forward with an annexation application.

Mr. Diaz-Padron clarified that Ms. Gray was advocating for a voluntary, amicable discussion without providing business owners with any rights; and Ms. Gray confirmed his interpretation.

Ms. Gray indicated that, because incorporation was not mandated by the County, the only solution was to leave the people alone unless a company owner wished to have his/her business annexed to a specific area. She noted a business owner could petition before the appropriate city and ask for annexation in the event he/she wished for his business to be annexed to a particular area.

Ms. Lamb observed that the State of Florida statutes required that over 50 percent of the business owners sign the petition to annex a commercial area. However, she pointed out the County was not required to follow the state's annexation procedures because Miami-Dade County had a Home Rule Charter.

Mr. Feldman noted he agreed that it would be very difficult and problematic to have business owners vote since some business owners had multiple businesses; and he noted there were sufficient opportunities for the voices of business owners to be heard through the current procedures, including the PAB and the County Commission, because they could speak before these bodies. However, he pointed out, Ms. Gray was recommending that it would be ideal for the business owners to have their voices heard before reaching this stage in the process.

Ms. Gray noted one of the incorporation applications was approved due to the large number of voters within that incorporation area, and the other municipalities withdrew their applications due to the complexity of the issues and the contentious nature of the process.

In a closing statement, Ms. Gray stated that Redland Edge had initiated an incorporation process by presenting a petition to Commissioner Sorenson; however, a moratorium on incorporations was implemented a week later. She stated that Redland Edge was most certainly included in the mediation process with the Florida Conflict Resolution Consortium and refused for its petition to be ignored. She said she would appear at the next meeting of this Task Force with 500 people to demonstrate how angry she was if it was ignored. She stressed that this Task Force was a global, countywide body; and it would be very biased to ignore Redland Edge. She stated that she expected an apology.

Ms. Linda Springer, 13138 SW 90 Place, Miami, Florida, appeared before the Task Force; and she said she owned a family property located in the vicinity of S.W. 69<sup>th</sup> Avenue. She advised the City of West Miami was in the process of annexing that area, and she spoke in opposition to that proposal because business owners believed the annexation was being forced upon them. She stated that 17 percent of the land in her community was zoned residential, and the remaining properties were either zoned industrial or commercial. She noted a large portion of the area was annexed to Coral Way about two years ago, and it had to be closed down because the neighbors were in disagreement. She stated that the area proposed for annexation had now approximately 171 voters and 50 to 60 residential homes. She noted most of the residents within this area were under-privileged or had minimum income, and an increase in real estate taxes would be devastating to them. She requested that the legislation requiring 250 voters to reside in the proposed annexation area before an election could take place should be changed; and all property owners, including all business operators, should be allowed to vote because any tax increases would be passed on to tenants. She noted at this time the possible tax increase was about 25 percent. She stated that the City of West Miami was trying to annex the area because of the tax value, and she believed that this issue needed to be addressed differently.

Mr. Andrew Nierenberg, 13725 SW 104 Court, Miami, Florida, Vice Chair of the Village of the Falls Steering Committee, appeared before the Task Force in support of incorporation. He stated that Commissioner Sorenson appointed him to the intended Falls Financial Responsibility Advisory Committee (FRAC) instead of a MAC, because their incorporation movement began with a petition as opposed to a commissioner resolution. He noted he had also acted as the Budget and Finance Chair of the Village of the Falls Steering Committee from 2003 to 2005, and the incorporation process for that area was moving forward.

In response to Chairman Pizzi's inquiry as to whether the area of the Falls had an active MAC, Mr. Nierenberg explained that the County Attorney's Office had previously provided an opinion indicating that, under the Board's Rules of Procedures applicable at the time the application was considered, the Board's tie vote on their right to have an election meant that any County commissioner could move at a later time for their application to be allowed to be presented before the voters; but the moratorium came into effect and interrupted the incorporation process. He stated that recently the County Attorney's Office has provided contrary opinions to the effect that, based on the Board's Rules of Procedures, currently a tied vote was considered to be defeated. However, at the time their application was considered, a tie vote meant that their application was tabled and could be brought up subsequently. He said that the members of the Village of the Falls Steering Committee intended to discuss with the County representatives the status of their application to determine exactly what would be the procedure to follow because it was their understanding that, under the statements made by the members of the Board, their incorporation application was grandfathered in under the previously created MAC.

Mr. Nierenberg explained their grievance with the incorporation process, noting the Board denied the right to vote at the last moment after a budget including mitigation



funds, significant positive cash flow, and cash reserves was negotiated and approved by the County Commission; and a conceptual agreement was also negotiated and signed. He stated that their efforts included 60 to 80 active organizers working in committees and subcommittees in the areas of accounting, public safety, real estate, and finance. He indicated that, if the application had been allowed to move forward, it would have been up to the voters to decide whether to proceed with the incorporation.

In response to Chairman Pizzi's inquiry, Mr. Nierenberg noted they had agreed to mitigation since the County Commission made it a condition at that time to allow the vote to happen.

Mr. Nierenberg said the notion that cities want or need commercial areas should be analyzed. He stated that their analysis of the Falls Shopping Center, which was representative of several distinct commercial areas, showed commercial areas were net losers to a new city in terms of revenues versus expenses since there was no financial benefit from having to establish a CBI because the costs related to policing and maintenance exceeded the revenues due to the lack of residents. He explained that 35 to 40 percent of the cities' total revenues were based on ad valorem real estate taxes with the remaining revenues calculated on a per capita basis. He stated that, in the south, an ideal municipal population size for a distinct and geographically separated area was between 20,000 to 35,000 residents as demonstrated by the municipalities of Palmetto Bay, Pinecrest, and Cutler Bay; and the Falls area had a distinct and geographically separated area with a population of 22,000 residents. He noted the Village of the Falls Steering Committee participated in the boundaries committee and successfully negotiated with the residents of an adjacent area to join their MAC.

In response to Chairman Pizzi's question, Mr. Nierenberg explained the process undertaken to negotiate with the residents of the adjacent area to be included in the MAC boundaries. He said that the community named Edgewater Park was a distinct residential area located at southwest 117<sup>th</sup> Avenue below the canal, which was actually part of Richmond Heights, comprising several hundred homes; and Commissioner Sorenson had communicated to the Steering Committee members that this community had requested to be included in the Falls. Consequently, the Steering Committee members were presented with the proposal; and after negotiating with that community what would be presented before the BCC for approval, the boundaries map was amended to include the Edgewater Park community. He noted the incorporation of the Falls was discussed with the Villages of Palmetto Bay and Pinecrest, and these municipalities had no interest in annexation.

In response to Chairman Pizzi's question regarding whether this Task Force should recommend to the Board that the Falls area be annexed to Pinecrest, Mr. Nierenberg explained that they did not consult with the Villages of Pinecrest and Palmetto Bay because they wished to be annexed by them, but rather because they anticipated their answers. He stated that the Steering Committee members wished to be in a position when negotiating their incorporation to indicate that those cities lacked interest in annexing with the Falls area.

Pursuant to Vice Chairman Forbes' question as to whether this Task Force should recommend that the Falls be allowed to incorporate rather than be annexed by another community, Mr. Nierenberg noted he agreed, and expressed the belief that annexation was an invidious cherry-picking exercise. He explained that, once an area became successful and viable, cities desired to annex the area to increase their financial resources without regard for the interests of the people being annexed. He suggested that the first step of any annexation should be to consult the residential communities, persons entitled to vote, and residents affected by the process whether property owners or not. He noted incorporation, as a separate and distinct city, should not be secondary to annexation.

In response to Mr. Feldman's question as to whether enclave areas should be allowed to choose to remain unincorporated, Mr. Nierenberg stated that the delivery of services to enclave areas was cost-prohibitive to the County and adjacent cities; and to the extent that Miami-Dade was gravitating towards allowing the entire County to be incorporated, it would be a hardship to the cities if some enclave areas were not included in the process and remained unincorporated. He also stated there was no reason to delay incorporation and annexation applications on the basis that a countywide map had to be drawn first.

Discussion ensued between Mr. Nierenberg and Task Force members regarding the population of areas currently unincorporated, and the appropriate population size of a city for the delivery of services.

Following a discussion regarding the quality of services provided by Miami-Dade County and the Miami-Dade Police Department's patrolling coverage for the area of the Falls, Mr. Nierenberg stated that the Village of the Falls Steering Committee negotiated an agreement with the Miami-Dade Police Department, which was included in the budget; and it provided for eight to ten sworn officers in every work shift. He pointed out that the agreement increased the police patrolling services by four times the current level of services provided by the County, and the County's requirement that new municipalities contract the services of the Miami-Dade Police Department was never contested. He noted the Falls area did not wish to separate from the Miami-Dade County's Fire Department nor the Miami-Dade Public Library System.

Ms. Lamb expressed concerns with allowing certain individuals to have full control over the process because, in her opinion, as many people as possible should have input in the process. She suggested that the Falls residents meet again to determine if it was necessary to select new members for the Steering Committee. She also suggested that elected community council members or members of another elected board should oversee some of the process.

Mr. Nierenberg expressed his strong disagreement with Ms. Lamb's recommendations, noting she had been well known for the last ten years to be an open opponent of the Falls area incorporation.

In response to Chairman Pizzi's question as to whether this Task Force should recommend to the Board that those incorporation and annexation applications already

in the pipeline be allowed to move forward with the process, Mr. Nierenberg said the statement was correct; but not necessarily under the current process. He noted the residents should be afforded the right to vote.

Mayor Marono stated that the Miami-Dade Police and Fire Departments were top-notched departments; however, they would be unable to provide the same level of services as cities due to the lack of appropriate resources. He said the notion that police officers would lose their jobs if areas incorporated was erroneous because incorporations created the need for additional officers, and the County would continue to provide special police services for the municipalities. He noted he was able to lower the millage rate in his city by one mil after it was incorporated, and he made the following suggestions:

1. the Fire District should remain regional and under the jurisdiction of the County;
2. the residents should be afforded the right to vote for annexations and incorporations;
3. the electorate should be educated on the advantages and disadvantages of annexation, incorporation, and the significance of the change;
4. the County should meet with the representatives of areas with high millage rates to review their budgets and help them balance their operations;
5. the residents of an area proposed for incorporation or annexation should be the only ones allowed to vote; and
6. good communication should be maintained with the area's business owners to gain support for the incorporation.

Chairman Pizzi noted it was his understanding that business owners believed it was more convenient dealing with municipalities since service delivery and problem resolution was faster. He agreed that public education on annexations and incorporations was important.

Mr. Lloyd Miller, 27720 S.W. 197 Avenue, Miami, appeared before the Task Force and spoke in opposition to incorporation. He said that he moved into an unincorporated area with the full understanding that he would not be provided with the same level of police and fire services as residing in a municipality. He noted an incorporation or annexation would have essentially the same negative impact to five-acre properties, and the area of Pinecrest was allowed to incorporate because there was no more land and lobbyists. He stated that he moved to Redland to isolate himself from urban living, and he requested that an area be set aside for residents who wished to continue living in an unincorporated area. He stated that he would not object to having to pay additional taxes to remain unincorporated if the County believed it was necessary to increase taxes to service his area.

Following a brief discussion between Ms. Cates and Mr. Miller regarding whether or not an incorporation of an area would have the same effect as an annexation, Ms. Cates read into the record the different millage rates of several incorporated cities.

Chairman Pizzi announced that Mr. Wayman Bannerman from Commissioner Moss' Office and Mr. Maurice Hernandez from Vice Chair Bell's Office were present at today's meeting.

Ms. Beth Gerald, 19427 S.W. 74 Court, Palmetto Bay, appeared before the Task Force and spoke in support of incorporations. She expressed appreciation that all those incorporation applications previously stopped by the moratorium were moving forward. She said she hoped that enclave areas would not be allowed in the future, and she expressed her sentiment that businesses affected by incorporations or annexations should be allowed to provide input before incorporation decisions were made.

Ms. Gerald stated that, under the recently enacted Village of Palmetto Bay Charter amendment, the residents could not be denied the right to vote; and no area could be annexed to Palmetto Bay without allowing an election to happen, whereas in the past, the Village Council made that decision. She pointed out that the rationale for incorporation went beyond increasing revenues because it also involved issues relating to quality of life, zoning controls, and better services. She said that new cities created jobs; and it was difficult for her to understand how the County was able to provide adequate services on a millage rate lower than that of the two richest cities in the County, Aventura and Key Biscayne. She noted all successful cities had been able to negotiate their boundaries.

Ms. Gerald made the following recommendations:

1. that the County should consider incorporating countywide without imposing the process on the residents;
2. that enclave areas should not be allowed;
3. that business owners should be allowed to participate in the process and decision making;
4. that the County should stop providing municipal services to allow government to be closer to the people; and
5. that regional services such as transit, seaport, and aviation should remain under the jurisdiction of the County.

Responding to Vice Chairman Forbes' question as to what should be the Task Force's global perspective with regard to how incorporation would affect UMSA's current unmet needs, Ms. Gerald said that the Task Force should look at the issues pertaining to the proposed areas for incorporation or annexation. She pointed out one of the County's most active area was north central, which had very high service needs. She said that, if such areas were able to become independent, this would relieve many of the County's municipal responsibilities. She also pointed out that every area considering incorporation was not a donor or rich area, and she noted most of the County's richest areas had already incorporated.

Ms. Gerald stated that the area of West Kendall was hard to categorize due to its large population size, and it would be a large area to police and service. She stated that most people consider West Kendall to be a donor area; and in the event the area wished to

incorporate into one or several cities, this would be more manageable and take away the servicing responsibilities from the County.

Ms. Gerald said that police services in Palmetto Bay had improved significantly because prior to incorporation residents experienced a five-hour waiting period to receive services unless it was a true emergency, whereas now it took two minutes for the police to respond.

Pursuant to Ms. Lamb's inquiry, Ms. Gerald stated that one of the conditions of their incorporation application was to contract the services of the Miami-Dade Solid Waste Department; and the Village of Palmetto Bay had also agreed to continue using the services of the Miami-Dade Public Library System and the Miami-Dade Fire Department.

Discussion ensued between Ms. Lamb and Ms. Gerald on how the residents of the Village of Palmetto Bay were charged for the services of trash and solid waste pick up and who provided those services.

In response to Mr. Feldman's question regarding how incorporation applications already in place would be impacted if this Task Force failed to reach the conclusion that a countywide incorporation was needed, Ms. Gerald noted, in her opinion, those incorporation applications already in the process should be allowed to proceed, as per the democratic process. She said this was the reason the incorporation process of the Falls was such a bitter pill to swallow because the Board denied the residents the right to vote after the Village of the Falls Steering Committee had done all the work.

Pursuant to Mr. Feldman's inquiry regarding what would be the impact if this Task Force recommended that the County should not incorporate unincorporated areas and whether that recommendation would change the perception of the process, Ms. Gerald responded that this would not have an immediate impact; but it would have to be addressed in the future. She pointed out that the recently enacted Charter amendment together with the new process in place would allow unincorporated areas to proceed with the incorporation process if it was approved by the County Commission; and she expressed her support for having areas already in the pipeline or that had expressed an interest to incorporate be allowed to move forward. She stressed that the County's economic situation would eventually dictate the necessity for countywide incorporation.

Discussion ensued between Mr. Feldman and Ms. Gerald as to what would be the future of incorporations and what would the future dictate.

Mr. Friedman pointed out how expensive it would be to review every unincorporated area to determine what would be the net result of an annexation or incorporation. He noted questions remained unanswered with regard to enclave areas, which had historically refused to be annexed, particularly the enclave area within the City of Hialeah. He stated that those residents had the right to vote as a matter of self-determination. Mr. Friedman noted that, in view of the differences between the southern and northern sections of the County, he believed the County lacked resources and did not have sufficient researchers to carry out this research in order to resolve

these questions. He suggested that this Task Force should inquire further into the process and request additional resources in order to develop a solution. He noted he agreed with Ms. Gerald that real estate property taxes would have to be increased to meet all of the unmet needs of the County. He stated that, in his view, there would be opportunities for unincorporated areas to incorporate at the same level or possibly at a higher level in the future.

Mr. Terry Murphy, 8346 Dundee Terrace, Miami Lakes, appeared before the Task Force and commended City of Miami Lakes Mayor Pizzi for the new town hall built for that city. He suggested that this Task Force consider public safety issues and the preservation of the Miami-Dade Police Department, which was considered among the best, largest police forces in the country. He pointed out the importance of preserving an organization with the capacity to address the criminal element within a metropolitan area. He noted there was a tremendous amount of support for the Miami-Dade County Police Department, and some reservation with regard to how incorporations would affect this department.

Mr. Murphy made the following suggestions:

1. that this Task Force should recommend that a police taxing district under the jurisdiction of the Board of County Commissioners be created much like the Fire and Library Taxing Districts for unincorporated areas of the County;
2. that future cities should contract the police services from the proposed police taxing district; and
3. that a real estate property tax should be levied to support the proposed police taxing district to relieve the County and future municipalities from having to use property taxes for that purpose.

With regard to the funding sources used to fund municipal services, Mr. Murphy noted 75 percent of UMSA's budget was dedicated to the Miami-Dade Police Department. He pointed out that the bulk of the services were funded with utility taxes, franchise fees, revenue-sharing with the state, state sales taxes, etc., which made up 70 percent of the funds used to run a city. He stated that 25-30 percent of the budget in unincorporated areas was derived from real estate property taxes; and if the proposed police taxing district was implemented, there would probably be no need to levy a real estate property tax.

Following a brief discussion between Mr. Murphy and Chairman Pizzi regarding how police services would be impacted by incorporations and the creation of the police taxing district, Mr. Murphy noted municipalities could continue to contract police services, crimes across the entire metropolitan area could be investigated by the same investigative agency, forces could be deployed, and information could be shared seamlessly among the departments. He stressed that the police taxing district would have a tremendous public safety benefit for a metropolitan area such as Miami-Dade, and he urged the Task Force members to evaluate this idea.

Mr. Friedman expressed concern with regard to the incorporation of areas with low assessment values and high crime. He said that, in his opinion, the County had not

provided a solution to bring those areas to a point where businesses would feel comfortable making investments and creating employment opportunities in order to keep those areas viable and enable them to become stand-alone cities. He suggested that, in the scenario Mr. Murphy envisioned, economies of scales would be achieved in order to perform targeted policing in certain areas without the entire district absorbing large costs; and in those areas requiring additional help their standards could possibly be raised to eventually make incorporation feasible for them.

Mr. Murphy stated that the allocation of funds was an issue subject to the budget process; and if it was determined that resources should be allocated to lift certain declining areas, it could be done.

Ms. Catherine Christophus, 2400 N.E. 135 Street, North Miami, appeared before the Task Force and spoke in opposition to incorporation. She said that her family had lived in Kendall for the past 40 years; and they were very happy to live in an independent, unincorporated community with a cohesive environment. She advised they were very satisfied with the services provided by County Commissioners Xavier Suarez and Lynda Bell. She noted the residents of Kendall and West Kendall had been fighting against incorporation since 2003; and on two separate occasions, the residents had vigorously spoken against incorporation to the County Commission.

Ms. Christophus said that she was a resident of the City of North Miami, noting it had been one of her worst experiences. She noted the City of North Miami had one of the highest millage rates in all of Miami-Dade County while the services were terrible, and the City Manager never responded to his constituents' phone calls and residents had to request the assistance of County elected officials to address their problems. She also provided information on the salaries of the City Council members, the high foreclosure rate, and high crime rate of the area.

Ms. Christophus stated that incorporation created an additional taxing authority, and many UMMA residents did not wish to incorporate because the least amount of government was the best government. She suggested that those residents wishing to incorporate could follow the current Charter procedure in place; but if the entire County were allowed to incorporate, the County would face serious bond rating issues.

Pursuant to Chairman Pizzi's questions regarding self-determination and whether residents should be allowed to vote for incorporations, Ms. Christophus noted anyone interested in incorporating an area should research this issue and follow the Charter procedures already in place to incorporate; and those in opposition should have the same right to petition and collect signatures to nullify the supporters of incorporation.

Responding to Chairman Pizzi's questions as to whether she believed the current incorporation process was flawed and why residents would not just go to the polls and vote against the incorporation application when afforded the opportunity, Ms. Christophus pointed out that there was always a low voter turnout in elections; and important issues like this should be placed on the ballot of a countywide or general election.

Pursuant to Chairman Pizzi's question regarding whether she supported allowing residents to vote on a countywide or general election, Ms. Christophus stressed that she would support allowing only the UMSA residents to vote.

In response to Ms. Cates' question, Ms. Christophus confirmed that she believed that incorporating a new city would add an extra layer of government because it would increase the number of politicians.

Town of Medley Mayor Roberto Martell appeared before the Task Force in support of incorporation because in his city elected officials ensured the job was done in the least amount of time. He added that the workers provided services in an extremely efficient manner in his municipality.

Discussion ensued between Mayor Martell, the Task Force members, and Budget Director Jennifer Moon regarding the number of times the Town of Medley provided mutual police services aid to unincorporated Miami-Dade County and how those and other services were provided to the public.

Upon concluding the foregoing discussion, Chairman Pizzi closed the public hearing; and he proceeded to open the floor for the Task Force discussion.

### **TASK FORCE DISCUSSION**

Ms. Lamb indicated that she had prepared a proposal (Exhibit "A") for the Task Force members' perusal, and she distributed a copy to each Task Force member following the approval of Chairman Pizzi.

Chairman Pizzi asked that the Office of Management and Budget (OMB) explain the documents included in the agenda package.

Mr. Jorge Fernandez, OMB Coordinator, provided a brief overview of the informational documents included in today's (04/24) agenda package, which were as follows:

1. Memorandum from Budget Director Jennifer Moon depicting the web addresses containing the Miami-Dade County's departmental Unmet Needs;
2. Municipal Millage Rate Comparison Chart;
3. Estimated Population by Community Council Chart;
4. FY 2012-13 Adopted Budget and Multi -Year Capital Year/Department Operational Unmet Needs; and
5. Estimated Impact on UMSA's Budget Charts for the Fountainebleau MAC, North Central Dade MAC, and the Northeast Dade MAC;

Chairman Pizzi asked that the members of the Task Force independently review in detail the documents in preparation for the Task Force's next scheduled meeting.

Mr. Fernandez said that OMB was still working on preparing an analysis of unincorporated areas by County commission districts; and the analysis would include sufficient demographics information and the impact on districts and community councils.



Mr. Friedman suggested that the Task Force analyze the impact of the different avenues the County might undertake. He stated that, in his opinion, the end result would probably be a hybrid of annexations and incorporations with some areas remaining unincorporated. He pointed out that Broward County was not 100 percent incorporated; therefore, there was no reason to believe that the County would not pursue the same course of action.

Mr. Friedman stated Mr. Murphy had made a very powerful presentation in terms of future incorporations, their budgets, and overall taxation rates; and he would like to receive at a future meeting additional information on his proposal and how it would operate. He suggested that the Task Force members should begin to consider the issue of how to address those areas lacking high property assessment values.

Chairman Pizzi noted he agreed that those areas without high property assessment values, which might create enclave areas after all other areas had incorporated, should be included in the Task Force's discussions.

Mr. Friedman said he would like to receive within the next two meetings additional information on unincorporated areas with low property assessment values in order to begin formulating a policy direction or recommendations for the Board of County Commissioners to consider how to address those areas.

#### **OTHER BUSINESS, UPDATES, AND REPORTS**

Mr. Friedman thanked Miami-Dade County's staff on behalf of the Task Force members for the efforts made to prepare all of the information provided at today's (04/24) meeting.

#### **NEXT MEETING – WEDNESDAY MAY 1, 2013, WEST DADE REGIONAL LIBRARY**

Mr. George Fernandez, OMB Coordinator, Office of Management and Budget (OMB), announced that the Task Force's next meeting would be held at the West Dade Regional Library because the West Kendall Library was unavailable until May 29, 2013. He noted that he would inform Chairman Pizzi by tomorrow morning on the availability of the West Kendall Library; otherwise, the Task Force's next meeting would be held at West Dade Regional Library located at 9445 Coral Way, Miami, Florida, at 6:00 p.m.

#### **ADJOURNMENT**

There being no further business to come before the Miami-Dade Annexation and Incorporation Task Force, the meeting adjourned at 8:30 p.m.